



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

18-MR-382

ELIZABETH HARRISON,

Defendant.

**NOTICE OF APPEAL OF MAGISTRATE JUDGE'S DECISION AND ORDER ON
RELEASE AND REQUEST FOR STAY**

The United States of America by and through its attorneys, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and Joseph Tripi, Assistant United States Attorney, pursuant to Title 18, United State Code, Section 3145(a)(1), hereby files a Motion with the United States District Court in the Western District of New York, for an order revoking the Order setting conditions of release for the defendant on bail, which was conditionally ordered by Magistrate Judge H. Kenneth Schroeder, Jr., on November 7, 2018. (See Minute Entry, November 7, 2018.)

At the time the Magistrate Judge announced the defendant would be released on conditions, he also ordered the defendant's release held in abeyance until November 8, 2018, at 10:00 a.m., to enable the government to determine whether it would appeal. A status conference is presently scheduled for November 8, 2018, at 10:00 a.m.

The government moves for an Order staying said release Order of the until such time as the District Court can hear and determine the government's motion for review of the Magistrate Judge's determination on detention.

DATED: Buffalo, NY, November 7, 2018.

JAMES P. KENNEDY, JR.
United States Attorney

By: _____


JOSEPH M. TRIPI
Assistant United States Attorney
United States Attorney's Office
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AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

JOSEPH M. TRIPI, being duly sworn, deposes and states:

1. I am an Assistant United States Attorney for the Western District of New York and am assigned to prosecute this case. This affidavit is made in support of the United States' motion to for an order staying the pre-trial release of the defendant Elizabeth Harrison.

2. On or about October 2, 2018, Elizabeth Harrison commenced engaging in in a series of actions which led to her arrest on the charges set forth in Criminal Complaint 18-M-176.

3. The defendant is charged with making false statements to government agents and cyberstalking an Assistant United States Attorney in the Western District of New York, who is identified as Victim A in the complaint.

4. The defendant's conduct includes, among other things: (i) researching the AUSA's personal identifying information through a pay-for-service online search engine; (ii) messaging the AUSA via LinkedIn; (iii) calling the AUSA using a difficult to trace VOIP phone number; (iv) texting the AUSA repeatedly and in a sexually explicit manner; (v) acknowledging in the text messages that she was "frightening" and "harassing" the AUSA while stating there is "no need to invest[igate]"; (vi) using multiple aliases, blocked numbers, and platforms to make contact in a manner that would disguise her identify; (vii) making explicit references to a prior case prosecuted by the AUSA and, as will be described in detail in the government's motion to revoke the release order, the circumstances establish the AUSAs prior involvement in prosecuting the father of the defendant's child is the true impetus behind the defendant's desire to harass, intimidate, alarm, and place under surveillance the AUSA.

5. The defendant was arrested and charged by complaint, attached hereto and incorporated herein by reference as Exhibit A, on November 2, 2018.

6. The government moved for detention at an initial appearance on November 5, 2018.

7. The defendant requested an adjournment of the detention hearing, which was held on November 7, 2018.

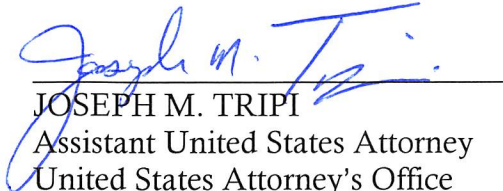
8. The government and the defendant proceeded by proffer at the detention hearing.

9. At the conclusion of the hearing, the Court conditionally ordered the defendant released, but agreed to hold any release order in abeyance until November 8, 2018 at 10 a.m., which is the date and time scheduled for a status conference. (See Minute Entry, November 7, 2018.)

10. The government, pursuant to Title 18, United State Code, Section 3145(a)(1), will file a motion with the District Court, for an Order revoking any Order Setting Conditions of Release in this matter.

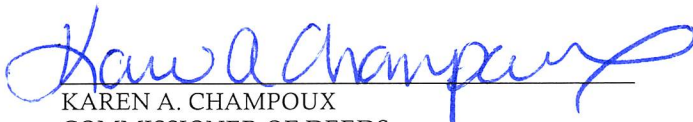
11. Therefore, the government requests the Court stay the Order Setting Conditions of Release until such time as the District Court can hear and determine the government's Motion to Revoke the Order Setting Conditions of Release.

WHEREFORE, the United States respectfully requests that the Court stay the release of Elizabeth Harrison, pending further proceedings before the United States District Court.


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Subscribed and sworn to before me

this 7th day of November, 2018.


KAREN A. CHAMPOUX
COMMISSIONER OF DEEDS
In And For The City Of Buffalo, New York.
My Commission Expires Dec. 31, 2018.